

1 WHEREAS, on March 12, 2007, Plaintiffs filed an Amended Consolidated Complaint;

2 and

3 WHEREAS, on April 26, 2007, Nominal Defendant BEA Systems and Defendants
4 Thomas M. Ashburn, Carol A. Bartz, Barbara J. Britton, Mark T. Carges, Sam Cece, Alfred S.
5 Chuang, William T. Coleman, Mark P. Dentinger, Matthew S. Green, Stewart K.P. Gross,
6 William M. Klein, Ivan M. Koon, William H. Janeway, Joseph H. Menard, Dean Morton, Tod
7 Nielsen, Edward W. Scott, Jr., Robert A. Shipp and Deborah Stanley (collectively,
8 "Defendants") filed Motions to Dismiss the Amended Consolidated Complaint; and

9 WHEREAS, a hearing has been scheduled for July 27, 2007 on the pending Motions to
10 Dismiss; and

11 WHEREAS, the Parties have begun to discuss the outcome of the BEA Audit Committee
12 investigation, and such discussions continue; and

13 WHEREAS, the Parties wish to postpone further briefing and the scheduled hearing on
14 the Motions to Dismiss in order to facilitate such further discussions.

15 THEREFORE, the Parties stipulate, subject to the approval of the Court, to the following:

- 16 1. The hearing scheduled for July 27, 2007 is hereby rescheduled to September 14,
17 2007.
- 18 2. Plaintiffs' time to file an opposition to Defendants' Motion to Dismiss shall be
19 extended to July 20, 2007.
- 20 3. Defendants shall file and serve any reply to Plaintiffs' opposition by August 10,
21 2007.

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STIPULATION POSTPONING THE HEARING AND
EXTENDING THE FILING DATE FOR THE
OPPOSITION TO THE MOTION TO DISMISS

1 DATED: June 22, 2007

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22 DATED: June 22, 2007

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by WF
Ignacio Salceda w/ pm.

29 Counsel for Nominal Defendant BEA Systems,
30 Inc. and Defendants Thomas M. Ashburn, Carol
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32 Sam Cece, Alfred S. Chuang, William T.
33 Coleman, Mark P. Dentinger, Matthew S. Green,
34 Stewart K.P. Gross, William M. Klein, Ivan M.
35 Koon, William H. Janeway, Joseph H. Menard,
36 Dean Morton, Tod Nielsen, Edward W. Scott, Jr.,
37 Robert A. Shipp and Deborah Stanley

38 STIPULATION POSTPONING THE HEARING AND
39 EXTENDING THE FILING DATE FOR THE
40 OPPOSITION TO THE MOTION TO DISMISS

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2 **ORDER**
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4 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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6 DATED: 6/27/07
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Ronald M. Whyte

8 The Hon. Ronald M. Whyte
9 United States District Court Judge
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STIPULATION POSTPONING THE HEARING AND
EXTENDING THE FILING DATE FOR THE
OPPOSITION TO THE MOTION TO DISMISS